



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

February 21, 2025

BY ECF

Hon. P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *SEC v. Gallagher, 21-cv-8739-PKG-GWG*

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (“SEC”) writes to request that the Court formally seal Exhibit B to the Declaration of Michael S. DiBattista in support of the SEC’s omnibus opposition to Defendant Steven M. Gallagher’s (“Gallagher”) motions *in limine* (“DiBattista Declaration”), filed as ECF Docket Entry 174-2. Defendant Gallagher consents to this request.

On February 14, 2025, the SEC filed the DiBattista Declaration and included Exhibit B, a collection of messages sent by TD Ameritrade (“TDA”) to Gallagher through TDA’s secure messaging platform, KANA, between July 29, 2020 and August 25, 2021, warning Gallagher about manipulative trading in his brokerage account. *See* Dkt. 174 ¶ 16. The SEC accidentally did not redact Gallagher’s brokerage account number, which was referenced in some of the documents within Exhibit B.¹

After discovering this error, the SEC contacted the Court’s ECF Help Desk, which placed a temporary seal on Exhibit B. Consistent with ECF Rule 21.7, the SEC now requests that the Court formally seal the unredacted version of Exhibit B filed as ECF Docket Entry 174-2. The SEC has enclosed a redacted version of Exhibit B with this letter. The SEC apologizes for the oversight and thanks the Court for its assistance.

The document set
ECF 174-2 shall
remain under seal
pending further
order of the Court.
The Court will only
consider the
redacted version
found at ECF
182-1.

SO
ORDERED
JFM
HDS
2-26-25

¹ The SEC did redact this same number in other exhibits filed as part of the DiBattista Declaration.

Hon. Kevin Castel
February 21, 2025
Page 2

Respectfully submitted,

/s/ Michael S. DiBattista

Abigail Rosen
David Stoelting
Michael DiBattista
Securities and Exchange Commission
Attorneys for Plaintiff

Encl.: Redacted Version of Exhibit B to DiBattista Declaration

cc (via ECF): Eric Rosen/Kimberly Jones
Attorneys for Defendant